

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 239

HOUSE BILL 2539

AN ACT

AMENDING TITLE 12, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING
SECTION 12-1130; RELATING TO EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 8, article 2, Arizona Revised Statutes,
3 is amended by adding section 12-1130, to read:

4 12-1130. Fees and expenses; appraisal; relocation benefits;
5 applicability

6 A. IN A PROPOSED CONDEMNATION ACTION IF AN OWNER-OCCUPANT OF A
7 RESIDENTIAL PROPERTY DISAGREES WITH THE OFFER AND APPRAISAL, THE
8 OWNER-OCCUPANT MAY OBTAIN A SECOND APPRAISAL FROM AN APPRAISER WHO IS ON THE
9 APPROVED LIST THAT IS MAINTAINED BY THE GOVERNMENTAL ENTITY AND THE
10 GOVERNMENTAL ENTITY SHALL PAY FOR THE SECOND APPRAISAL.

11 B. BEFORE FILING AN EMINENT DOMAIN ACTION, THE GOVERNMENTAL ENTITY
12 SHALL PROVIDE TO THE OWNER-OCCUPANT ALL APPRAISALS OF THE PROPERTY THAT THE
13 GOVERNMENTAL ENTITY OBTAINS.

14 C. ANY GOVERNMENTAL ENTITY THAT ACQUIRES OWNER-OCCUPIED RESIDENTIAL
15 PROPERTY BY CONDEMNATION OR THREAT OF CONDEMNATION SHALL PROVIDE THE
16 OWNER-OCCUPANT WITH A DETERMINATION OF RELOCATION BENEFITS IN AN AMOUNT THAT
17 ALLOWS THE OWNER-OCCUPANT TO PURCHASE A COMPARABLE REPLACEMENT DWELLING AS
18 PROVIDED UNDER APPLICABLE RELOCATION LAW.

19 D. IN A CONDEMNATION ACTION TO ACQUIRE OWNER-OCCUPIED RESIDENTIAL
20 PROPERTY, THE COURT MAY AWARD FEES AND OTHER EXPENSES TO ANY PARTY OTHER THAN
21 THIS STATE OR A CITY, TOWN OR COUNTY OR ANY OTHER POLITICAL SUBDIVISION OF
22 THIS STATE. IN MAKING THE DETERMINATION, THE COURT MAY CONSIDER THE AMOUNT
23 OF THE DIFFERENCE BETWEEN THE FINAL OFFER AND THE COMPENSATION AWARDED, THE
24 PERCENTAGE OF THE DIFFERENCE BETWEEN THE FINAL OFFER AND THE AWARD AND ANY
25 OTHER FACTORS THE COURT DEEMS APPROPRIATE. FOR THE PURPOSES OF THIS
26 SUBSECTION, "FEES AND OTHER EXPENSES" MEANS THE REASONABLE EXPENSES OF EXPERT
27 WITNESSES, THE REASONABLE COST OF ANY STUDY, ANALYSIS, ENGINEERING REPORT,
28 TEST OR PROJECT THAT THE COURT FINDS TO BE DIRECTLY RELATED TO AND NECESSARY
29 FOR THE PRESENTATION OF THE PARTY'S CASE AND REASONABLE AND NECESSARY
30 ATTORNEY FEES.

31 E. THIS SECTION DOES NOT APPLY TO ACTIONS FOR ACQUISITION OF PROPERTY
32 FOR PUBLIC SAFETY, TRANSPORTATION, FLOOD CONTROL OR UTILITY PURPOSES.

~~APPROVED BY THE GOVERNOR MAY 17, 2004.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2004.~~